

TENTATIVE RULINGS for CIVIL LAW and MOTION

March 5, 2010

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. Copies of the tentative rulings will be posted at the entrance to the courtroom and on the Yolo Courts Website, at www.yolo.courts.ca.gov. If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Telephone number for the clerk in Department Fifteen: (530) 406-6941

TENTATIVE RULING

Case: Page v. Regents of the University of California, et al.
Case No. CV PM 08-228

Hearing Date: March 5, 2010 Department Fifteen 9:00 a.m.

Plaintiffs Robert S. Page's and Yun Young Page's motion to compel the deposition of Glenn Pettibone is **GRANTED IN PART**. (Code Civ. Proc., §§ 2017.010 *et seq.* & 2025.450, subd. (a).) The Court finds that the questions set forth in plaintiffs' separate statement have either been asked and answered or are beyond the scope of the opinions expressed in the declaration of Glenn Pettibone submitted in opposition to Plaintiffs' motion for summary judgment. (Deposition of Pettibone, pp. 13-14, 43, and 49-87.) The continued deposition of Glenn Pettibone, shall be noticed for March 23, 2010, or other mutually agreed upon date, and limited to questions concerning the documents recently produced by defendant and Mr. Pettibone which reveal his calculations concerning the "coefficient of friction."

Plaintiffs' motion for an order permitting discovery of financial information is **DENIED**. (Civ. Code, § 3294, subd. (c).) The Court finds that after review of the supporting and opposing affidavits presented, plaintiffs failed to establish that there is a substantial probability that they will prevail on the claim for punitive damages pursuant to Civil Code section 3294.

Plaintiffs' and Defendant's requests for sanctions are **DENIED**. (Code Civ. Proc., §§ 2023.010 *et seq.* & 2025.450, subd. (c)(1).)

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

TENTATIVE RULING

Case: **Rich v. State of California**
 Case No. CV PM 09-2377

Hearing Date: **March 5, 2010** **Department Fifteen** **9:00 a.m.**

The State of California, Department of Transportation's motion to compel further special interrogatory responses is moot. Plaintiff Robert Rich served verified, supplemental responses to the State's special interrogatories. For the same reason, the State's motion to compel further responses to request for production of documents nos. 1-15 is also moot.

The State's motion to compel further request for admission responses is **DENIED**. The plaintiff's request for admission responses comply with the requirements of Code of Civil Procedure section 2033.220. However, the plaintiff shall serve counsel for the State with the verification for his request for admission responses **by no later than March 8, 2010**. (Code Civ. Proc., § 2033.240, subd. (a).)

The State's motion to compel a further response to form interrogatory no. 17.1 as it relates to request for admission, no. 4 is **DENIED**. The State's motion to compel a further response to form interrogatory no. 17.1 as it relates to request for admission, no. 14 is **GRANTED**. The motion to compel a further response to form interrogatory no. 17.1(c) and 17.1(d) as it relates to request for admission, nos. 1, 2, 3, and 5 is **GRANTED**. (Code Civ. Proc., § 2030.300, subd.(a)(1).)

The State's motion to compel a further response to request for production of documents no. 24 as it relates to request for admission nos. 1, 2, 3, 5, and 14 is **GRANTED**. (Code Civ. Proc., § 2031.300, subd. (a).) The motion to compel a further response to request for production of documents no. 24 is **DENIED** in all other respects.

Under the facts presented, the request for monetary sanctions against the plaintiff and/or his counsel is **DENIED**. Counsel are encouraged to make every effort to discuss the issues raised in a discovery motion before filing the same.

Plaintiff Richard Rich shall serve verified supplemental form interrogatory and request for production of document responses and responsive documents **by no later than March 19, 2010**.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.